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GOVERNOR

STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
16 EDISON DRIVE
AUGUSTA, MAINE
04330

MICHAEL F. KELLY
COMMISSIONER

JAY BRADSHAW, EMT-P
DIRECTOR

Board of EMS Meeting
Maine EMS Conference Room
Wednesday, August 5, 1998
MINUTES

Present: J. Fields (Chair), J. McKenney, S. Hayes, D. Lindahl, S. Leach, C. Pillsbury, C. Little, J. DeFilip, R. Doughty, P. DePietranantio, E. Murray, L. Bouchard, W. Dunwoody.

Regional Coordinators: F. Zito, J. Caron, D. Bahr, R. Bumps, J. LeBrun

Staff: D. White, D. Corning, B. Montejo

Guests: Tom Judge, Norman Dinerman, Sandra Benton, Jay Goldstein, Sue Wardwell, Deb Wilson, Toby Martin.

The meeting was called to order at 9:10 AM.

Prior to the commencement of the regular agenda, Chairman Fields requested that the guests introduce themselves.

Chairman Fields suggested that the Board consider all items on the agenda, saving the LifeFlight of Maine (LOM) application for the last agenda item. He indicated that due to his involvement with LOM, he would step down as Chair and that Chair-Elect Jim McKenney would conduct the meeting during the LOM application discussion. Consensus of the Board was to proceed as suggested above.

1. Minutes -- June 3, 1998, meeting.

The minutes of the June 3, 1998 meeting were reviewed.

MOTION: *To accept the minutes of the June 3, 1998, meeting (DiPietrantonio; Murray - Motion Carries).*

2. Old Business

A. EMT/TC Task Force - Update

J. Fields indicated that Jay Bradshaw had contacted Dick Willis who in turn is making contact with President Fitzsimmons in order to get the process back on track. J. Fields indicated that J. Bradshaw's and his goal is to sit down with President Fitzsimmons and to be able to report back to the Board in October.

B. Re-engineering Service Licenses - Update

D. White reported that the Operations Team had discussed the regional quality improvement issues surrounding the Medical Director's signature for service license applications. He indicated that the committee will be meeting again to finalize the service license package and to review what statutes/rules would need to be changed in order to institute the reengineered service license application. The operations team has requested an update/presentation in September.

C. Strategic Planning Draft - Update

D. White reported that the Operations Team was taking each of the goals set forth by the Board and developing strategies based upon those goals. He indicated that it would probably be Spring 1999 by the time the Operations Team completed strategies for all of the goals.

D. Unfinished Business -- None.

E. Other -- None.

3. New Business

A. Ops Team -- Committee Action Items -- None.

B. Investigations Committee -- Action Items

D. White reported that at the Investigation Committee meeting on June 10, 1998, the committee voted to suspend the license of Paramedic Brian Elliot for a period of 365 days for willful unlicensed practice. As this will require the filing of a complaint in an administrative court, the committee is requesting that the Board approve the recommendation of the committee in regards to the license suspension action. Additionally, D. White indicated that he has been in contact with Mr. Elliot and that the situation may be resolved through consent agreement negotiated with Mr. Elliot.

MOTION: That licensee Brian Elliot's willful practice of emergency medical care during a period of time while he was not licensed constitutes grounds for license suspension as provided for by Section 12(A)(2), 12(A)(3), and 12(A)(17) of the Maine EMS Rules (dated

September 1, 1996), and that the Maine EMS Board seek suspension of Mr. Elliot's license up to and including a request that the Office of Attorney General initiate suspension proceedings in the administrative court (Little;Doughty, - Carries Unanimously).

C. LifeFlight of Maine (LOM) -- Board Action

Although appearing in the minutes in the same order as it appeared on the agenda, the LOM application was discussed following completion of all other agenda items. Following a short break (after other Board business), the Board reconvened with J. McKenney chairing the Board while J. Fields stepped down as Board Chair to allow him to participate as a proponent of the LifeFlight application. The meeting reconvened at approximately 10:15 AM with presentations by LifeFlight of Maine's Tom Judge and Norm Dinerman. The presentation included information regarding the structure and history of LOM and specific launch criteria and protocols. A question and answer period ensued following the presentation. Following another break at 11:10, staff led the Board through the application - to include several areas which required specific Board action:

LOM has requested substitution/deletion of the Maine EMS Equipment requirements as outlined in the attached copy of the LOM request. Also attached are staff recommendations regarding the request. B. Montejo presented an overview of staff concerns and recommendations. LOM representatives indicated that the request for substitutions/deletions was based upon the likelihood of use of the equipment as well as weight considerations. Staff maintained their recommendations but indicated that, following discussions with LOM personnel, the folding stretcher requirement could be fulfilled by a removable stretcher that is part of the aircraft.

Staff presented their concerns and indicated that in its review of the request for substitution/deletions from LOM, they had attempted to assure consistency with the Maine EMS Rules.

MOTION: To approve the equipment deletions and substitutions as requested by Lifeflight of Maine with the exception that two adult adjustable cervical collars will be required in addition to pediatric and infant collars (Little;DiPietrantonio - Carries Unanimously).

D. White reported that LOM plans to utilize a drug restocking plan similar to that approved for use by Capital Ambulance Service. This system would eliminate seals on the non-narcotic drug boxes and require regular inventory of those boxes by LOM personnel. LOM personnel would restock the drug boxes from an inventory provided by the hospital pharmacy. Copies of the agreement were included in LOM's application package.

MOTION: To approve the drug storage plan as submitted by Lifeflight of Maine (Bouchard;Leach -- Carries Unanimously).

The services medical director must receive approval of the Board. D. White reviewed the requirements for a air ambulance medical director.

MOTION: *To approve Norman Dinerman, MD, as the Medical Director for Lifeflight of Maine (Dunwoody;Murray-- Carried Unanimously).*

The plan for integration into the Maine EMS system requires the approval of the Maine EMS Board. D. White reviewed the requirements for the approval of the integration plan.

MOTION: *To approve Lifeflight of Maine's system integration plan (Bouchard;Murray--Carries Unanimously).*

LOM has submitted their QA/QI plan including the designation of QA/QI committee for approval. Staff indicated that LOM's request for approval is consistent with other requests approved by the Board.

MOTION: *To approve the quality assurance committee of Lifeflight of Maine as provided for by 32 MRSA, Section 92-A (Little;DiPietrantonio--Carries Unanimously).*

D. White reported that the Maine EMS Law identifies flight nurses as licensed professional nurses who have completed a Maine EMS authorized pre hospital care curriculum. He indicated that Maine EMS currently does not have an authorized/approved curriculum for flight nurses.

D. Corning, MEMS Education Training Coordinator led the Board through the summary he prepared regarding LOM's Flight Nurse and Flight Paramedic training curriculum. He indicated that, while the training program was extensive and included several standardized programs, the curriculum format itself was not provided in such a manner to allow for objective by objective comparisons. He indicated that the Board could either require that staff complete a curriculum for approval by the Board or accept the curriculum provided by LifeFlight of Maine as the Maine EMS curriculum.

J. Fields expressed a willingness on the part of LOM to take the current curriculum and clean it up/format it as a standardized curriculum and present it to the Maine EMS Education Committee for consideration as the standard Maine EMS Flight Paramedic/Flight Nurse curriculum.

MOTION: *To authorize the Lifeflight of Maine's curriculum as meeting the requirements provided for in 32 MRSA Section 83.14-B with the stipulation that pre hospital trauma life support or an equivalent course be included as a requirement for all Flight Nurses and Flight Paramedics(Bouchard;Little--Carries Unanimously).*

It was noted by staff that the curriculum should also include a standardized preceptor program for the RN's doing ride along time with ground ambulance services.

D. White reported that the Operations Specifications (Op Specs) approval had not been received from the Federal Aviation Administration regarding LOM's ability to operate as an air ambulance provider in the state of Maine through its Part 135 Carrier (Keystone Helicopter Corporation). The staff recommendation is to issue the license for a Paramedic Air Rescue service to LOM once Maine EMS has received certification of FAA approval of the Op Specs.

He indicated that the license would be for a Paramedic Air Rescue service which would allow LOM to operate both on scene and inter facility and that the protocols utilized by LOM would be the current Maine EMS pre hospital protocols. Any new protocols would require review and approval by the MDPB.

Although Dr. Chagrasulis, the State Medical Director, was unable to attend the Board meeting, she relayed to staff her concerns that any expanded protocols regarding Paramedics would require close scrutiny of the training, credentialing and recredentialing (of the Flight Paramedics) to insure currency of skills. Dr. Chagrasulis indicated that she is planning on meeting with the Education Committee at their September meeting to discuss the issue. Further, she indicates that she does not see problems with the protocols submitted by Lifeflight of Maine and that she will be reviewing them and e-mailing the other MDPB members to discuss the matter. W. Dunwoody expressed concern that enhancement of air ambulance protocols could have political implications regarding expanded scope for ground paramedic providers.

D. White reported that Dr. Chagrasulis also expressed concern as to who would be technically in charge of the scene of an emergency. In discussions with LOM personnel, the philosophy put forth was that there may be situations in the pre hospital setting where either the Paramedic or the Flight Nurse may take the lead in patient care - in accordance with patient condition and treatment requirements.

MOTION: To approve the license applications of Lifeflight of Maine with the licenses to operate as a Paramedic air rescue service issued upon Maine EMS' receipt of certification that the Federal Aviation Administration (FAA) has approved the operations specifications of Keystone Helicopter Corporation to act as the Part 135 Carrier to provide air ambulance operations in conjunction with Lifeflight of Maine (Little;Bouchard -- Carries Unanimously).

D. Isle au Haut Waiver

D. White reported that the Island/Town of Isle au Haut is requesting licensure as a non-transporting EMS service. As indicated in the summary provided by the Board, Isle au Haut Rescue is requesting a waiver of Section 3D of the Maine EMS Rules to allow them to use cellular communications in lieu of a VHF radio. Isle au Haut's transporting EMS service, Memorial Ambulance in Deer Isle, has cellular communications in their transporting unit. Discussion ensued.

MOTION: To grant Isle au Haut Rescue a waiver of Section 3(E)(3)(D) of the Maine EMS Rules (dated September 1, 1996) regarding the requirement that the service have a VHF radio with hospital and ambulance frequencies for their service area - with the stipulation that Isle au Haut Rescue have cellular or radio communications with Medical Control and their transporting service during calls for medical assistance (Bouchard;Murray -- Carries Unanimously).

E. Other -- None.

4. Staff Report

A. Activities/Update -- Nothing to report.

B. MDPB

No MDPB meeting in July -- no report.

C. Other

I. New OIG Opinion (98-7)

D. White reported on a recent office of the Inspector General (OIG) opinion regarding the restocking of EMS services by hospitals and its relationship to the anti kick back statutes. In this most recent opinion, the OIG advised that an EMS system in Dayton, Ohio did not violate Federal anti kickback laws. In approving the Dayton plan, the OIG stressed four elements that differentiated it from the program request that prompted OIG opinion 97-6. The OIG stated that the Dayton plan is not a unilateral arrangement between hospital and EMS provider; the arrangement is part and parcel of a comprehensive and coordinated regional effort to integrate and approve all aspects of emergency medical care; the federal government has actively encouraged and promoted such a local and regional programs to improve the quality of EMS; and, the arrangement is likely to positively impact the quality of patient care.

During Board discussion, the question arose as to the appropriateness of drug box restocking and whether restocking of drug boxes could be done regionally. The Board requested the Director collect what information exists in the state of Maine regarding drug box plans - for future consideration by the Board.

II. Caribou/Loring application -- Update

D. White reported that the Caribou Fire Department had received a license for a base of operations on the former Loring Air Force base -- now the Loring Development Authority. He

indicated that Board approval was sought because of comments received regarding the application and that the approval was done by a telephone vote of the Board due to the amount of time between Board meetings - thereby necessitating the telephone poll in order to expedite the application process. He indicated that the application was approved by the Board.

5. Other

A. Meetings schedule

Chairman Fields reminded the Board that, commencing with the September 1998 meeting, the Board would begin meeting once again on a monthly basis.

6. Adjourn

The meeting was adjourned at 12:40 PM.

Respectfully Submitted,

Drexell White